## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA	)
	Plaintiff,	) 8:10CR374 )
	vs.	) DETENTION ORDER
JΕ	SUS LEON AGUIRRE,	
	Defendant.	}
A.	Order For Detention After waiving a detention hearing pursuant Act on October 22, 2010, the Court orde pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reform rs the above-named defendant detained
B.	The Court orders the defendant's detention X By a preponderance of the evide conditions will reasonably assure the	n because it finds: ence that no condition or combination of eappearance of the defendant as required. at no condition or combination of conditions
C.	distribute methamphetar 846 carries a minimum s maximum of life imprison (Counts II and III) in viola minimum sentence of fiv forty years imprisonment (b) The offense is a crime of (c) The offense involves a n	and includes the following: e offense charged: y to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § sentence of ten years imprisonment and a ment; the distribution of methamphetamine ation of 21 U.S.C. § 841(a)(1) each carry a re years imprisonment and a maximum of t. f violence.
	may affect wheth The defendant h X The defendant h X The defendant h X The defendant is The defendant of ties. Past conduct of X The defendant h The defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. s not a long time resident of the community. does not have any significant community

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			e defendant has a prior record of failure to appear at
	(b)		of the current arrest, the defendant was on:
	(-)		bation
		Par	
			ease pending trial, sentence, appeal or completion of
	(-)		itence.
	(C)	Other Facto	rs: e defendant is an illegal alien and is subject to
			oortation.
			e defendant is a legal alien and will be subject to
		dep	portation if convicted.
			Bureau of Immigration and Custom Enforcement
			CE) has placed a detainer with the U.S. Marshal.
			ner:
Χ	(4) The n	ature and	seriousness of the danger posed by the defendant's
			ws: The nature of the charges in the Indictment and the
	defend	dant's crimina	al history.
	(5) <b>D</b> I (		a.
<u>X</u>		table Presu	
			the defendant should be detained, the Court also relied rebuttable presumption(s) contained in 18 U.S.C. §
	3142(	e) which the	Court finds the defendant has not rebutted:
			andition or combination of conditions will reasonably
	、,	assure the a	appearance of the defendant as required and the safety
			person and the community because the Court finds that
		the crime in	
			A crime of violence; or An offense for which the maximum penalty is life
		<u> </u>	imprisonment or death; or
		_X_ (3)	A controlled substance violation which has a maximum
			penalty of 10 years or more; or
		(4)	A felony after the defendant had been convicted of two
			or more prior offenses described in (1) through (3)
			above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above
			which is less than five years old and which was
			committed while the defendant was on pretrial release.
	X (b)	That no co	ondition or combination of conditions will reasonably
			appearance of the defendant as required and the safety
			nunity because the Court finds that there is probable
		cause to be	
		<u>X</u> (1)	That the defendant has committed a controlled substance violation which has a maximum penalty of
			10 years or more.
		(2)	That the defendant has committed an offense under 18
			U.S.C. § 924(c) (uses or carries a firearm during and
			in relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous weapon or device).
			WOUDDITOT UCTION.

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## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 25, 2010. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge